

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|-------------------------------------|---|--------------------------|
| <u>ANTOINE KORNEGEY</u> | : | |
| Plaintiff, | : | |
| | : | CIVIL ACTION NO. 17-0392 |
| v. | : | |
| | : | |
| CITY OF PHILADELPHIA, <i>et al.</i> | : | |
| <u>Defendants.</u> | : | |

ORDER

AND NOW, this 6th day of March 2018, upon consideration of the City Defendants' Motion to Dismiss (Doc. No. 20), and the response thereto, and for the reasons explained in the Memorandum Opinion issued on this date, it is hereby **ORDERED** that the Motion is **GRANTED IN PART AND DENIED IN PART** as follows:

1. With respect to Count I of the Amended Complaint, the Motion is **DENIED** as to Defendants Sizer and Young, and **GRANTED** as to Defendants Giorla and Lawton, against whom Plaintiff's § 1983 claims are **DISMISSED WITH PREJUDICE**.
2. With respect to Counts III and VI, the Motion is **DENIED**.
3. Plaintiff's claim under Count V is **DISMISSED** as withdrawn.
4. With respect to Counts IV, VII, VIII, and IX, the Motion is **GRANTED**, and the claims asserted therein are **DISMISSED WITH PREJUDICE**.

Defendants are directed to answer the remaining claims in the Amended Complaint within **21 days** of this Order.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.